Exhibit H

MARCH 16, 2018 - A.M.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

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In re: Bard IVC Filters, Products Liability Litigation	
	MD-15-02641-PHX-DGC
Sherr-Una Booker, an individual, Plaintiff, v.	Phoenix, Arizona March 16, 2018
C.R. Bard, Inc., a New Jersey corporation; and Bard Peripheral Vascular, Inc., an Arizona corporation, Defendants.	CV-16-00474-PHX-DGC 8:59 a.m.

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 3 A.M.

(Pages 445 through 579)

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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

Recovery and G2, what did you find and what did you conclude? 11:09:21
A. I found that -- I concluded that they did not adhere to standards of safe and reliable design. They did not carry out tests in an adequate manner to investigate failure modes of the filters. They did not carry out a root cause analysis of why 11:09:40
the Recovery filter failed, especially in terms of its fractures, and they did not carry out tests that they did do to worst case conditions which is a fundamental aspect of what one should do when testing devices to prepare them for the market.
In addition, I concluded that the failure of 11:10:10
Ms. Booker's filter was caused by these deficiencies in design and testing.
Q. So when you say you have also a third area of opinions on the impact that the design and the lack of testing had on
Ms. Booker, that's your opinion? 11:10:33
A. That's right.
Q. And what is your opinion in that regard?
A. Oh, my opinion is that because of the inadequacies of the design and of the testing of the filter, that those
inadequacies led to the failure of Ms. Booker's failure after 11:10:47
it was implanted in her.
Q. All right. Now let's just talk about your qualifications so the jury can learn more about you.
MR. O'CONNOR: Greg, can you put up Exhibit 2450,
please. 11:11:04

Q. By the way, can you just tell us quickly what type of implantable devices you have worked on as a consultant? 11:23:25

A. The implantable devices that I've worked on have been prosthetic heart valves. I've worked on stents of the type that are placed in arteries and so on and I've worked on breast implants. 11:23:37

Q. Now, tell us in this case the process, the method, what you did to arrive at the opinions that you have arrived at here in the case of Sheri Booker's?

A. Well, I did the things that I described a few minutes ago. Namely, I made an assessment of the intended use of the filter. I made an assessment of the conditions that the filter would experience, and the environment in which it would be placed once it was implanted in the patient. I looked at the behavior in terms of the failure modes that the filter could potentially experience and I did calculations of the stresses and strains and the forces and motions that would be associated with the behavior of the filter to assess whether those failure modes were likely to be problematic during the time that the filter was implanted in a patient. 11:24:02 11:24:26 11:24:49

And in addition, I reviewed tests, bench tests, that were carried out on the filters to understand what they were telling us about the behavior of the filter.

Q. Now, in performing engineering analysis and working out engineering problems and doing engineering functions like 11:25:11

A. Well, I found that when it tilts, it makes it more likely that it will perforate the wall of the vena cava. And there's a couple of reasons for that. One of them is that when the tilting occurs, the forces which the filter applies or some of the limbs of the filter applies to the wall of the vena cava. Some of those forces go up and it's a fairly straightforward principle that the bigger the force that you apply to something, the more likely you are to cut into that object. 11:47:40 11:48:04

And so that's one of the consequences of the tilting in terms of it tending to perforation of the limbs through the wall of the vena cava more likely. 11:48:27

In addition --

Q. Well, go ahead.

A. In addition, there's a phenomenon that I can illustrate with my hand and a pen. So if the filter is not tilted, the tip of a limb rests against the wall in something like that but if some tilting occurs, there's a tendency for the -- the limb to look more like that (Indicating), adjacent to the wall of the vena cava, and that makes it behave much more like a needle which is trying to puncture through the wall of the vena cava. 11:48:49 11:49:12

So those two things together make it more likely that the filter will perforate the wall of the vena cava.

Q. When you apply what you just told us, when you apply the principle that patient safety must be paramount, do you have an opinion -- well, should a filter that is going to go into the 11:49:33

vena cava be designed in a way to avoid tilt and also perforation? 11:49:35

A. In my opinion, yes.

Q. And in your opinion, was the Bard G2 filter designed in a way that would avoid tilt and perforation? 11:49:50

A. It was not designed in a way that would either avoid tilting or reduce it to a level that was practical.

Q. All right. Is there an illustration that you have -- I don't want to get ahead of myself. Are we looking at -- excuse me. I just lost it. Is there an illustration that will enable you or assist you in explaining to the jury this issue of perforation? 11:50:17

A. Yes. If we can look at illustration 4349.

Q. Pardon me. 4341?

A. No. 4349. 11:50:37

Q. All right.

MR. O'CONNOR: May we see 4349, please.

Q. All right. Now, how does this --

MR. O'CONNOR: May we display this -- we are. Thank you. 11:50:52

BY MR. O'CONNOR:

Q. How does this illustration help you to explain to us here in this courtroom the design of the G2 filter and why it also perforates when it tilts?

A. Well, what it illustrates is a situation in which the 11:51:05

filter has perforated the wall of the vena cava and you can see in this case it's also tilted. But I want to focus on the fact that the perforation has occurred and some of the legs in this case have cut through the wall of the vena cava and some portion of those legs are outside of the vena cava. 11:51:08 11:51:28

I should comment that the arms can also cut through the wall of the vena cava. So that can happen as well.

Q. Well, Dr. McMeeking, you have that filter in your hand. Based upon what you've seen and felt and touched that filter, should Bard have known that those legs could cut through tissue that comprises the vena cava wall? 11:51:49

A. Yes. They should have known because, first of all, the filter wants to expand as a spring in the way that I described, and the limbs of the filter are rather narrow, so that makes it a fairly sharp object which is more likely to cut through the wall of the vena cava. There are no features on the limbs which will help to limit the tendency for that cutting process to take place. 11:52:15

Q. And that's perforation?

A. That's perforation. 11:52:40

Q. Now, just so we can apply it to case that we're here at, have you reviewed the information in Sheri Booker's case?

A. Yes, I have.

Q. And did her G2 filter do the failures you've described so far? 11:52:51

A. Yes. Her G2 filter, it experienced tilt, it experienced perforation in which eight of the limbs were perforated through the wall of the vena cava, and it experienced something else which is caudal migration. And in the illustration I can describe caudal migration which is the motion of the filter towards the feet just by pointing out that some of the -- some of the filter, because the filter has rotated when it perforated the wall of the vena cava, it has tended to move downwards in the vena cava. 11:52:51 11:53:15

Q. Was there anything about the design that should have put Bard on notice before the G2 ever went out in the market that the G2 was going to migrate downward? 11:53:35

A. Well, the fact that it can tilt should have made it clear to Bard that such migration was possible because tilting very often involves the motion that I just described of the filter moving downwards in the vena cava. 11:53:59

Q. Did Sheri Booker's G2 filter fracture and break?

A. Yes, it did.

Q. How many places?

A. It experienced fracture in three of its limbs, two legs and one arm. 11:54:15

Q. And tell us what is it about the design of the G2 filter. Was it designed to avoid perforation -- I mean, fracture?

A. No, it was not adequately designed to avoid fracture and the reason is that the process of tilting and perforation are 11:54:35

those that tend to make fracture more likely by the process of fatigue that I already described to you. 11:54:44

Q. You described to us by showing us the filter that you squeezed and then by breaking that paper clip?

A. Yes, that's correct. 11:54:58

Q. And we have more if you need them.

A. Sorry?

Q. We have more paper clips if you need them later.

A. Okay.

Q. All right. So when you were looking at this filter and when you were analyzing it and knowing what you know based upon your education, your training, do you have an opinion -- well, do you have an opinion whether the filter was designed to avoid breaking and fracturing? 11:55:06

A. It's my opinion that it was inadequately designed in terms of it being likely to fracture by fatigue. 11:55:46

Q. All right. And you showed us before you demonstrated with the paper clip, you talked about fatigue and I think that's fatigue that is relevant to materials that you mentioned.

A. Correct. 11:56:09

Q. And is there a way that a company like Bard can assess whether a filter is going to experience stress and strains and fatigue and be broken to breaking before it ever puts it out on the market?

A. Yes. They can do tests of the device in what's called a 11:56:22

bench test and they can do calculations to make that assessment. 11:56:30

Q. All right. And what type of calculations are available to medical device companies and their engineers?

A. Well, you can carry out mathematical calculations and you can carry out computer calculations. 11:56:41

Q. And is there a term for that?

A. These are stress analysis and strain analysis calculations.

Q. What is a Finite Element Analysis? 11:56:55

A. So a Finite Element Analysis is a computer method of analysis in which the stresses and strains can be calculated by processes which are essentially similar to the ones that one uses when doing mathematical calculations. So in that regard, there's no distinction between the mathematical calculations 11:57:18 that one would do by pencil and paper and the finite element calculations that one would do on the computer. The only difference is carrying them out on the computer as opposed to a piece of paper. They achieve the same objective.

Q. And will those calculations demonstrate to a company like 11:57:38 Bard whether it has a device like a filter that will be susceptible, prone, will forseeably break after its implanted?

A. Yes. Because those calculations will enable the company to establish how big the stresses and strains are and to assess whether they are big enough for the fatigue fracture to take 11:58:00

place as a consequence of what the implant experience is. 11:58:05
Q. Did you yourself perform any mathematical calculations that engineers should and would perform to analyze stresses and strains of the G2 filter that led you to your opinions in this case? 11:58:22
A. Yes, I did.
Q. And what calculations -- what did you do, Dr. McMeeking?
A. Well, I did calculations both by mathematical methods and by using the finite element method and I carried out those calculations to make assessments of the stresses and strains 11:58:36
that were present in the filter because of the expansion and contraction of the vena cava and because of processes such as tilt and perforation that can influence those levels of stress and strain.
Q. And should a medical device company like Bard carry out 11:58:59
those calculations against the worst case scenarios?
A. Yes, they should. Yes.
Q. And did you do that?
A. I did that. I always made sure that I made a careful assessment of what would be the worst case conditions and I 11:59:12
factored them into the calculations that I did.
Q. And so based upon your calculations, what did you conclude?
A. I concluded that in the worst case conditions, that the G2 filter can be expected to fail by fracture because of the 11:59:28

environment that it is experiencing. 11:59:35

THE COURT: All right. We are at the noon hour. We're going to break at this point, Mr. O'Connor.

Ladies and gentlemen, we'll break until 1 o'clock and plan to see you then. Thank you. 11:59:44

(Jury departs at 11:59.)

THE COURT: All right. Counsel, as of noon today, without adjustment for the deposition yesterday, plaintiff has used eight hours and 33 minutes; defense, two hours and 36 minutes. 12:00:21

Did you have information you wanted me to look at on that Simon Nitinol issue?

MR. LOPEZ: Your Honor, I also have the deposition.

THE COURT: Tell me what you've got.

MR. LOPEZ: Exhibit 992. Do you want me to identify them, Judge? 12:01:02

THE COURT: Tell me what they are and what I'm supposed to do with them.

MR. LOPEZ: It's just evidence of Bard's use of the SNF data that they had for purposes of their internal evaluations and with respect to the substantial equivalence issue. 12:01:14

THE COURT: This is the evidence that you're going to use?

MR. LOPEZ: Well, it's stuff that you wanted to see. 12:01:26

THE COURT: Is it stuff you are going to use? 12:01:29

MR. LOPEZ: Yes.

THE COURT: Okay.

And what do you have, Mr. North?

MR. NORTH: Your Honor, it's overkill on this but 12:01:35
this is the medical articles are primarily what we want to introduce. We have them on a thumb drive. I can have them printed out.

THE COURT: Are they labeled with exhibit numbers?

MR. LERNER: They have exhibit numbers, Your Honor, 12:01:51
and they also have the spreadsheets that we talked about and also excerpts from the plaintiff's expert reports where some of those things are referenced.

MR. NORTH: Those same medical articles are referenced in all of the plaintiff's expert reports. 12:02:01

THE COURT: All right. Are you intending to get to this this afternoon?

MR. NORTH: I am not, Your Honor. Unless he says something after lunch that I do not expect, I don't think it will come up for the rest of the day. 12:02:14

THE COURT: Okay. You can go ahead and give them to Traci. But if you're not expecting to get to them this afternoon, I'm going to spend lunch preparing for my 4:30 hearing instead of looking at this.

MR. LOPEZ: I'm going to do the same, to put them on 12:02:29

a thumb drive to make it easier. I can even describe it and give you a title. 12:02:31

THE COURT: Okay. That's fine.

MR. O'CONNOR: I'm sorry. I didn't follow that. What are we not expected -- is this something pertinent to Dr. McMeeking? And I apologize. 12:02:37

MR. LOPEZ: No.

THE COURT: Okay. We'll see you at 1 o'clock.

MR. LOPEZ: Your Honor, did we give you the split times on Dr. Ciavarella? Anyway, I have them. 12:02:51

THE COURT: Have you agreed with them on that?

MR. LOPEZ: Yes. We have. Should I give them to Traci?

MS. HELM: It's 13 minutes. You should add 13 to the defendant and subtract 13 from the plaintiff. 12:03:07

THE COURT: Okay. We can go on the record.

(Whereupon, these proceedings recessed at 12:03 p.m.)

* * * * *

C E R T I F I C A T E

I, ELAINE M. CROPPER, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control, and to the best of my ability.

DATED at Phoenix, Arizona, this 17th day of March, 2018.

s/Elaine M. Cropper

Elaine M. Cropper, RDR, CRR, CCP

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

In Re: Bard IVC Filters Products Liability Litigation	MD-15-02641-PHX-DGC
	Phoenix, Arizona
	March 16, 2018
Sherr-Una Booker, an individual,	
Plaintiff,	
v.	CV-16-00474-PHX-DGC
C.R. Bard, Inc., a New Jersey corporation; and Bard Peripheral Vascular, Inc., an Arizona corporation,	
Defendants.	

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL DAY 3 P.M. SESSION

(Pages 580 - 654)

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I N D E X

EXAMINATION

EXHIBITS

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2257	Sullivan, 11/03/2016, Exhibit 442 - Recovery Filter Migration Remedial Action Plan SPA-04-12-01 dated 1/4/2005, including the Lehmann Report and Dr. Ciavarella's 12/17/2004 HHE titled "Recovery Filter - Consultant's report"	648
2245	Wong deposition, 10/18/2016 - Exhibit 540 - Confidential PowerPoint Presentation entitled "Recovery (Gen 1) - Fracture and Migration Complaint Update," dated 6/20/2006	648
2246	Wong deposition, 10/18/2016 - Exhibit 541 - 8/4/2006 E-mail from Natalie Wong to Gin Schulz Re. "Updated RNF Draft Report"	648
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P R O C E E D I N G S

(Proceedings resumed in open court with the jury present.)

13:03:08

THE COURT: Thank you. Please be seated.

You may continue, Mr. O'Connor.

MR. O'CONNOR: Thank you, Your Honor.

ROBERT McMEEKING,

recalled as a witness herein, after having been previously duly sworn or affirmed, was examined and testified as follows:

D I R E C T E X A M I N A T I O N (CONTINUED)

BY MR. O'CONNOR:

Q Mr. McMeeking, was there something you needed to clarify about the fracture of the G2 filter that Sheri Booker

13:03:30

experienced?

A Yes. I misspoke. There were three fractures, but only two struts were involved. So one of the struts broke twice. But I misspoke when I described that.

Q All right.

13:04:03

Now, let's talk about fracture. We touched on it before but, if you could, why does the G2 fracture after -- I think you said it can get itself in a tilted, perforating position.

A Correct. And it's the perforation that is particularly

13:04:20

important in that regard. And I can demonstrate it by using

13:04:25 my ruler, which I would like you to imagine is one of the struts of the filter, and so it's being held at the top by the cap and it's attached to the wall of the vena cava down here. Now, I know that the limbs of the filter are not straight and
13:04:45 not the shape that the ruler is, but this is just to help you see what I'm trying to describe.

So when the vena cava expands and contracts, it does so by a specific amount, and I'm going to say that that's, say, a couple of inches at the bottom. Of course that is
13:05:06 exaggerated compared to what goes on in the vena cava. So when the vena cava expands, the bottom of the ruler moves out two inches. And you see that it moves relative to my hand. And that's a process that causes strain in the strut.

I think you would also understand clearly that if I
13:05:30 move the arm or the strut a lot, the strain which is involved will be a lot. Okay?

So the situation when the filter is not perforated is that it moves with the wall of the vena cava by a certain amount.

13:05:48 Now let's imagine that the strut has perforated the wall of the vena cava so that the wall of the vena cava is now there. The wall is still going to move by the same amount and so it moves, say, an inch. But you notice that the end of the ruler moved a lot more. And so the process of perforation
13:06:10 increases the motion of the strut and it increases the strains

13:06:17 which the strut experiences. And this leads directly to an enhancement of the process of fatigue, which will damage the strut and eventually make it break. And so perforation contributes to the fracture problem in that manner.

13:06:35 Q In this case did you determine that there was a design flaw, a defective design in the G2 that was responsible for the limbs that fractured in the Sheri Booker G2 filter?

A Yes. Because in her filter, many of the limbs perforated the wall of the vena cava.

13:06:53 Q And then when they perforated, that in turn caused the fracture?

A That would in turn cause the fracture.

Q And so to summarize that, when the limbs perforate the IVC wall, will that cause further tilt?

13:07:14 A Yes. I think you could see that in the diagram, which I can show again. In fact, it would be useful to show 4347 to illustrate.

Q Forty --

A 4347.

13:07:31 Q 4347?

MR. O'CONNOR: May we display it, Your Honor, for Dr. --

THE COURT: Yes.

MR. O'CONNOR: -- McMeeking?

13:07:39 THE COURT: Yes.

13:07:40 MR. O'CONNOR: Thank you, Your Honor.

BY MR. O'CONNOR:

Q So, Dr. McMeeking, what is being displayed here, and how does this help explain your opinions to everyone that's here

13:07:49 in the courtroom?

A Well, you can see that what I'm showing here is a filter which has one leg perforated, and it's gone out of the vena cava to some extent, but not that much. And although it's perhaps hard to see, you can see that the filter has tilted

13:08:07 just a little bit.

Now, if we, if we look at illustration 4349, please.

Q 4349.

A You can see that the -- in this case, which I showed you before, the perforation has developed to a greater extent, and

13:08:34 as consequence there's a lot more tilting which is present in the filter.

So perforation leads to tilt and tilt leads to perforation, and together they can contribute to increased likelihood of fracture by fatigue.

13:08:49 Q When the G2 tilts and perforates, I think you told us it's more prone to fracture. Does it also have an impact on adjoining anatomical structures?

A When the limbs of the filter are outside of the vena cava, they can interfere with neighboring organs.

13:09:12 Q Earlier, you talked about calculations that you had

13:09:16 performed, and you went over them generally. Can you tell us in simple terms what went into the calculations that you performed to analyze things like fatigue failure.

A So, for example, let's use the illustration which is still 13:09:38 visible. I made use of the shape of the limbs. And let's focus on the arm. I took into account the shape of the limb and used that in my calculation. I used the properties of the material, which is Nitinol. I used the amount by which the vena cava expands and contracts, and I put those into a 13:10:09 mathematical calculation which uses -- balances the forces and tracks the deformations which occurred in the filter, although this is not the kind of -- this is not a filter limb. The kind of deformation I'm talking about is when I bend this ruler.

13:10:31 So the calculation I did would relate to what my fingers are doing to the ruler, to how much bending will take place. So the connection is the same in the calculation for the limb. I look at how much motion is being imposed on it, and I look at how much bending is being -- is taking place in 13:10:50 the limb.

Q So you could take the shape of the material, the length, the dimension, and the properties of the material, and there are math- -- mathematical equations that engineers are trained to perform?

13:11:08 A Yes, sir. There are mathematical methods. The one that I

13:11:10 used specifically is called Euler-Bernoulli beam theory. I know it's a bit of a mouthful, but it's something we teach to second-year and third-year mechanical engineers, and it is commonly used in the practice of mechanical engineering, such as what I do.

13:11:25 In addition, I did, from that element, computer calculations. And so I essentially did the same kind of calculation, but instead of doing it on a piece of paper, I did it in the computer. But the two calculations were -- had the same objective and the same methodology.

13:11:44 Q What was the first one called?

A The first one was called Euler-Bernoulli beam theory. E-U-L-E-R, hyphen, B-E-R-N-O-U-L-L-I.

Q That's what I thought you said.

13:12:05 And those are basic engineering calculations?

A Yes.

Q And when you do a calculation like that, how long does that take?

A Well, the Euler-Bernoulli beam theory calculation took me

13:12:15 about 15 minutes to half an hour.

Q And how many of those do you do to arrive at your opinions in this case?

A Well, I did hundreds of them in the sense of producing hundreds of results. Maybe not hundreds, but certainly dozens

13:12:26 of results. And some of them were more complex than others,

so some took a bit longer than 15 minutes to half an hour.

Q And how do you decide on a calculation? Are there certain assumptions that you take, and then you apply a calculation to them?

A Yes. As I mentioned before, one needs to know the environment in which the filter will function, and that means knowing something about what the vena cava will do, expanding and contracting. One needs to know what sort of stiffness of the tissue and organs around it, what sort of influence that they would have on the behavior. And the kind of events that the vena cava will experience while the filter is in it.

Q If a company like Bard wanted to check its calculations and to confirm that it made the correct assumptions about the anatomy and the environment, and also that it was complying with what you have told us should be complied with, the worst case, are there people like you, professors in engineering, that can help companies like that?

A Yes.

Q And has that ever happened to you?

A Well, I've consulted for medical implant companies many times where I've carried out calculations for them, both assessing the worst case conditions that they should consider and actually carrying out the calculations and providing them with the results.

Q I mean, are some of these calculations that you, with your

13:13:56 training, can do by hand?

A Yes, some of them were calculations I did by hand. Some are calculations I did by computer.

Q And those calculations will tell you what when it comes to

13:14:09 fatigue?

A Those calculations will tell me and the company how big the strains are, and if the strains are too big, then that will indicate that fracture by fatigue is going to happen.

Q So are you saying that you can take the G2 filter, look at

13:14:29 the legs, the length, take the material and the dimensions and the thickness, and then determine what conditions will be imposed upon the filter after it's in the vena cava, and you can calculate that and predict under -- when and how it will fracture?

13:14:45 A Well, I can predict the stresses and strains which will occur, and I can then use that to compare with data on the material that tells us whether the device will last a long time, whether it may last only a short time under the conditions imposed.

13:15:11 Q Now, based upon the work you did in this case and the way you learned that tilt can lead to changes in forces, and then also lead to other complications, did you determine to a reasonable degree of engineering probability that the complications are interrelated in the G2 filter?

13:15:47 A Yes.

13:15:47 Q And tell us what you did and what your opinion is.
A What I did is I looked at how tilt will lead to perforation, how perforation will lead to tilt, and how both of those can lead to fatigue fracture, and I used
13:16:04 considerations of worst case conditions to come to that conclusion.
Q Now, can you show us the filter and show us what it is about the design of the G2 that will result in that cascade where one will lead to another.
13:16:24 MR. O'CONNOR: Your Honor, I asked Mr. North. We put up a portable Elmo to enlarge it. Would that be permissible for him to show under that?
MR. NORTH: That's fine, Your Honor.
THE COURT: Yeah, that's fine.
13:16:36 MR. O'CONNOR: I think we need --
MR. WOODY: Witness HDMR.
THE COURTROOM DEPUTY: Witness HDMR.
MR. O'CONNOR: You're on this Elmo.
There we go.
13:17:01 THE WITNESS: So here's the G2 filter, and it's -- essentially it's conical shape.
BY MR. O'CONNOR:
Q I think you've got to move it up or down, because I get disoriented under these things.
13:17:13 MR. WOODY: Mark, I could help him set it up?

13:17:16 MR. O'CONNOR: Your Honor, may our IT assist- --

THE COURT: What do we need to do?

MR. WOODY: Set it up better so he gets a clearer image.

13:17:26 THE COURT: Yeah, that's fine.

MR. WOODY: I think a white piece of paper would be better.

THE WITNESS: So it's the conical design that leads to this defective condition, because the arms and the legs are

13:18:05 all connected together into the cap where my -- where I'm holding it by my fingers.

BY MR. O'CONNOR:

Q And that's where the arms and legs emanate from; right?

A That's right. They all come out of the cap, just below my

13:18:19 finger. And you can just see it between my fingers. And the fact that it functions as a spring makes it want to tilt. It makes it want to perforate the wall of the vena cava because the arms and legs are coupled together at the cap and because the legs are not stiff enough to inhibit the arms when they

13:18:43 want to tilt and the arms are not stiff enough to inhibit the legs when they want to tilt. As a consequence it will perforate, and as a consequence these phenomena take place, and that leads to the cascade of events that can cause the fracture by fatigue.

13:19:03 Q Could Bard have designed this filter differently to avoid